

## **Remarks**

### **I. Claim Amendments**

Applicants have canceled claims 1 and 2.

Applicants have amended claims 3, and 5-8 to set forth the definitions of X, Y, m, and n, and to recite only ammonium, phosphonium, and sulfonium salts. Support for these amendments can be found in the Specification, at page 5, lines 11-12, and in original claim 1.

Applicants have amended claim 10 to clarify that the claim applies only to Y<sup>m-</sup>.

Applicants have amended claim 4 to depend from claim 3. Support for this amendment can be found in original claim 4.

Applicants have amended claim 9 to depend from claim 3, to recite only ammonium salts, and to set forth the definitions of Y, m, and n. Support for this amendment can be found in original claims 1 and 9.

Applicants have amended claim 12 so that it does not refer to step d.

Applicants have amended claims 13 and 14 to correct typographical errors.

Applicants have amended claim 16 by adding the language “of a desired sequence” to the preamble, and amending the language of step b to read “performing the process according to claim 3 with the next amino acid or peptide in the desired sequence” to correct a typographical error, and to clarify that the amino acid added in step b is the next amino acid of a desired sequence of amino acids.

Claims 11 and 15 were previously presented, and claims 17 and 18 were previously canceled.

Applicants have added new claim 19. Support for this claim can be found in claim 16, as well as in the Specification, at page 3, lines 27-29.

No new matter has been added by these amendments.

### **II. Arguments**

#### **A. Claim Rejections, §112**

The Office has rejected claims 1, 12, and 16 as being indefinite. Claim 1 has been canceled. Claim 12 has been amended to eliminate the reference to “step d.” Claim 16 has been amended to more clearly set forth the intended scope of the claim, that is, that the process of building a desired peptide sequence that involves adding each amino acid or peptide in the sequence in a step-wise manner. The Applicants believe that these amendments address the Office’s concerns.

#### **B. Claim Rejections §102**

#### i. Klingler

The Office has rejected claims 1, and 9-11 as anticipated by Klingler et al (US 6,472,562), which teaches “the solid phase synthesis of compounds.”

Claim 1 has been canceled. Claim 9 has been amended to depend from claim 3, which the Office does not assert to be anticipated by Klingler *et al.* As a result, claims 10 and 11 now depend ultimately from claim 3. Applicants believe that the Office’s §102 rejection based on Klingler has been obviated by these amendments.

#### ii. Thaler

The Office has also rejected claims 1-4, 6-10, 12-14 and 16 as being anticipated by Thaler et al (Helvetica Chimica Acta v.74 1991 pages 628-643). The Office Action states that Thaler teaches the addition of inorganic salts such as LiCl during solid phase coupling reactions, and therefore anticipates claims 1-4, 6-10, 12-14, and 16. However, the Applicants respectfully contend that Thaler teaches only the use of metallic salts (Li-salts and KSCN). *See, for example*, Thaler, page 629, first full paragraph. Thaler does not suggest that any other salt would be effective, particularly not non-metal salts, and even more particularly not ammonium, phosphonium, or sulfonium salts.

Applicants have canceled claims 1 and 2. The Applicants have also amended claims 3, 4 and 6-8 such that only ammonium, phosphonium, and sulfonium salts are recited. Claims 9-10, 12-14, and 16 now depend ultimately from claim 3, and therefore only read on ammonium, phosphonium, and sulfonium salts. The Applicants believe that the Office’s §102 rejection based on Thaler has been obviated by these amendments.

### C. Claim Rejections §103

#### i. Thaler

The Office has rejected claims 1-10, 12-14, and 16 as being unpatentable over Thaler et al. As discussed above, Thaler teaches the use of metallic salts (Li-salts, and KSCN). Thaler does not suggest that any other salt would be effective, particularly nonmetal salts, and even more particularly ammonium, phosphonium, or sulfonium salts. Therefore, Applicants believe that the current amendments overcome this rejection.

#### ii. Klingler

The Office has rejected claims 1, and 9-11 as being unpatentable over Klingler et al. As discussed above, Applicants have amended the claims such that claim 1 has been canceled, and claims 9-

It now depends on claim 3. Applicants believe that the §103 rejections based on Klingler have been obviated by these amendments.

### **III. Conclusion**

Applicants submit that the rejections proffered by the Office have been overcome, and that the Application is now in condition for allowance. The Applicants invite the Examiner to contact the undersigned as indicated below if the Examiner believes that this would expedite prosecution of this application.

Respectfully submitted,

Date: April 22, 2009

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